

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TONY GOODWIN,

Defendant.

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Case No. 1:14-cr-00214-27

OPINION & ORDER
[Resolving Doc. [1344](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Tony Goodwin moved pro se for a sentence reduction under 18 U.S.C. § 3582(c)(1)(A)(ii).¹ He now moves through counsel to hold Brown's motion in abeyance until the Sixth Circuit releases its *en banc* opinion in *United States v. McCall*. Because *McCall* will guide the Court's analysis, the Court **GRANTS** Goodwin's motion.

Goodwin pleaded guilty to one controlled-substance conspiracy charge. The Court sentenced him to 130 months' incarceration and entered judgment on March 10, 2015.²

Goodwin's motion argues, among other things, that he would not be sentenced as a career offender today.³ He now represents that he intends to supplement his compassionate-release motion with argument that a nonretroactive sentencing-law change creates an extraordinary and compelling reason to reduce his sentence.⁴

The Court recently ordered Goodwin's co-defendant's compassionate-release motion held in abeyance pending the *en banc McCall* decision.⁵ As the Court explained, the Sixth

¹ Doc. [1314](#).

² Doc. [624](#) at 2 (PageID 3897).

³ Doc. [1314](#) at 2 (PageID 8225).

⁴ Doc. [1344](#).

⁵ Doc. [1338](#).

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Circuit's ruling will clarify conflicting panel decisions about how nonretroactive sentencing-law changes affect compassionate-release motions.⁶

So, the Court **GRANTS** Goodwin's motion to hold his compassionate-release motion in abeyance until after the Sixth Circuit issues its *en banc* decision in *United States v. McCall*. The Court directs the parties to advise the Court of any Sixth Circuit *McCall* decision within five days of the filing of any Sixth Circuit opinion.

IT IS SO ORDERED

Dated: October 17, 2022

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ See *id.*